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OFFICE OF PETITIONS

Dkt. 2048/57906-B/JPW/AG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 09/594,983 Examiner: Bo Peng
Filed : June 15, 2000 Group Art Unit: 1648
For : ANTI-CCR5 ANTIBODIES

Date of Notice

of Allowance: December 19, 2006

Confirmation No.: 8686

1185 Avenue of the Americas
New York, New York 10036
May 23, 2007

BY FACSIMILE: (571) 273-0025
Office of Petitions
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Alexandria, VA 22313-1450

**PETITION TO WITHDRAW FROM ISSUE AND EXPRESSLY
ABANDON APPLICATION UNDER 37 C.F.R. §1.313(c)(3)**

Applicants hereby petition that the above-identified application be withdrawn from issue under 37 C.F.R. §1.313(c)(3) as a result of the express abandonment of the subject application in favor of a continuation application being filed concurrently. Applicants are concurrently filing a Declaration of Express Abandonment Under 37 C.F.R. §1.138, a copy of which is attached hereto as Exhibit 1. The required petition fee set forth in 37 C.F.R. §1.17(h) is ONE HUNDRED THIRTY DOLLARS (\$130.00) and the undersigned hereby authorizes the Patent Office to charge the amount of this fee to Deposit Account No. 03-3125.

On August 7, 2006, Examiner Peng issued an Office Action in connection with the subject application which provisionally rejected claims 98-104 and 118-134 on the ground of nonstatutory obviousness-type double patenting over allowed claims 1-5, 18, 31, and 74 of

05/23/2007 CKN:LOK 00000008 033125 09594983

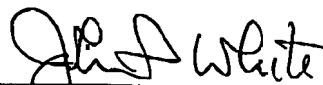
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U.S. Serial No. 10/371,483. In response, on November 3, 2006, applicants submitted a Terminal Disclaimer signed on behalf of the sole assignee of record of the subject application, Progenics Pharmaceuticals, Inc., which erroneously indicated that both the subject application and U.S. Serial No. 10/371,483 were solely owned by Progenics Pharmaceuticals, Inc. In fact, U.S. Serial No. 10/371,483 is jointly owned of record by Progenics Pharmaceuticals, Inc. and PDL Biopharma, Inc. Accordingly, in order to redress this error, applicants are expressly abandoning the subject application, but not the subject matter disclosed and/or claimed therein, in favor of a continuation application being concurrently filed with the filing of this Petition and the Declaration of Express Abandonment.

No fee, other than the enclosed \$130.00 petition fee, is deemed necessary in connection with the filing of this Petition. However, if an additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
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I hereby certify that this correspondence is being transmitted by facsimile on this date to:
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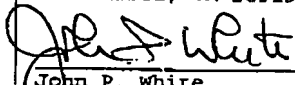
 5/23/07
John P. White Date
Reg. No. 28,678

EXHIBIT 1

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